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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/253,117	02/19/99	KIRALY	J ASCI-006

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EXAMINER

HUANG, S

ART UNIT	PAPER NUMBER
2711	8

DATE MAILED: 02/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/253,117

Applicant(s)
Kiraly

Examiner
Sam Huang

Group Art Unit
2711



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-14 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-14 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "pseudo simultaneously" in claims 1 and 8 is vague because it does not clearly set forth the metes and bounds of the claimed invention. Accordingly, claims 2-7 and 9-14 are also rejected since they inherit the deficiencies of independent claims 1 and 8.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1, 6-10, 13, 14, are rejected under 35 U.S.C. 102(e) as being anticipated by Fujita (US 5,948,070).

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Regarding claim 1, Fujita discloses file transfer systems and methods comprising the steps of: causing a sending communication processing node A to communicate a first stream representing digital broadcast information to relaying communication processing node B wherein nodes A and B are coupled to WAN and LAN (Figs. 1 and 10); causing a sending communication processing node A to communicate a second stream representing broadcast information to a second relaying communication processing node C wherein node C is coupled to the WAN (Id.); causing the first relaying communication processing node B to communicate a third stream representing broadcast information to a receiving communication processing node E wherein node E is also coupled to the WAN (Id.); and relaying in reduced time the broadcast information to nodes B, C, and E.

As for claim 1 and 14, the Wide Area Network (WAN) as illustrated by Fujita may be read on as the Internet since the Internet is also a communications network that connects geographically separated areas.

As for claim 6, Fujita shows the step of having receiving communication nodes H and I coupled to the WAN and causing relaying communication node D to communicate a stream of broadcast information to nodes H and I (fig. 1).

As for claim 7, Fujita also reveals a method wherein sending communication processing node 100 transferring broadcast files to a plurality of user nodes 200, 201, and 202 (fig. 10).

Concerning claim 8, Fujita shows a method of broadcasting files over a network of electronic devices comprising the steps of: sending broadcast information from a sending means

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100 to a first group of electronic devices on the network; and achieving reduced time broadcasting of the files for the first group and the second group of electronic devices for relaying the broadcast files from the first group to the second group.

As for claim 9, Fujita teaches direct communication links between the first group of electronic devices and the second group of electronic devices (claims 1 and 2).

Regarding claim 10, Fujita shows the method of periodically updating the status of the electronic devices by determining a relaying communication processing system to which a file to be broadcasted is to be sent, on the basis of the file transfer request (col. 7, lines 19-35).

As for claim 13, Fujita discloses a first and second set of electronic devices each comprising a computer system configured for receiving and relaying broadcast information (fig. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita (US 5,948,070).

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Regarding claims 2, 3, and 4, Fujita teaches a system and a method of transferring, communicating and broadcasting "files" and fail to address the specific types of files. However, transferring and broadcasting radio, television and computer program files are extremely well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujita to broadcast radio, television and computer files so that a user may access audio/video and program data in order to have a full interactive entertainment system.

As for claims 5, 11, Fujita reveals relaying communication nodes B, C, D, and G wherein these nodes are capable of receiving files and further relaying and communicating broadcast files to a plurality of users (fig. 1). Although Fujita fails to specifically address the circumstances of a shut down, Fujita provides relaying communication nodes capable of relaying to a plurality of user nodes. Thus, it would have been obvious to one skilled in the arts to modify Fujita to relay broadcast files to user nodes if the designated relaying communication nodes shut down in order to provide for a back up system.

As for claim 12, Fujita does not specifically address the step of terminating communications links to inactive electronic devices. However, the teaching of terminating communication links to inactive user electronic devices is extremely well known in the communication network art. Accordingly, it would have been obvious to one skilled in the art to use such methodology in order to efficiently transmit broadcast information to only active terminals or devices.

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Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306 or -6296, (for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Huang whose telephone number is (703) 305-0627. The examiner can normally be reached on M-Th from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

SH

February 8, 2000


ANDREW I. FAILE
SUPERVISORY PATENT EXAMINER
GROUP 2700